

### **Remarks**

Applicant respectfully requests reconsideration of this application as amended. Claims 1 – 15 and 17-24 have been amended. Claim 16 has been cancelled without prejudice. Claims 25-28 have been previously cancelled. No new claims have been added. Therefore, claims 1 – 15 and 17-24 are presented for examination. The following remarks are in response to the final Office Action, mailed November 29, 2005 and the advisory action mailed February 22, 2006.

### **37 C.F.R. § 1.121(c) Objections**

Claim 17 is objected to for failing to place the appropriate “Currently Amended” identifier before it. Claims 8, 15, 16, 23 and 24 were objected to in the Office Action, mailed on June 6, 2005. Claims 15, 16, 23 and 24 were objected to in the Advisory Action, mailed February 22, 2006.

Claim 16 has been cancelled without prejudice. Claims 8, 15, 17 and 23-24 have been amended to obviate the objection. Accordingly, Applicants respectfully request that the objection be withdrawn.

### **35 U.S.C. § 102 Rejections**

Claims 1-24 stand rejected under 35 U.S.C. §102(b) as being anticipated by Ogasawara, et al., U.S. Patent No. 6,671,877 (“Ogasawara”).

Applicants respectfully submit that Ogasawara discloses that “a method is compiled by a JIT compiler if it is determined that it is executed more than a certain level in terms of *execution frequency or execution time*. Once generated, JITed codes are managed in memory. The time when a JAVA system assures that they can be safely

discarded is when *the JAVA system discards a class by garbage collection.*” (col. 1, lines 51-57; emphasis provided). Ogasawara further discloses that “*if a memory request of a JIT compiler cannot be met in a certain thread, the thread temporarily stops all the threads other than itself and locates active methods.*” (col. 4, lines 8-11; emphasis provided).

In contrast, claim 1, in pertinent part, recites “incrementing method counters each time the first method or the second method is invoked, wherein the method counters correspond to the first method and the second method [and] unwinding a stack to determine whether the first method or the second method is active based on whether a corresponding method counter has exceeded a count threshold.” (emphasis provided).

Applicants submit that Ogasawara does not disclose or suggest such a feature.

Ogasawara discloses “calculating an activity degree of a method” (col. 4, line 12); however, nowhere does Ogasawara teach or reasonably suggest “incrementing method counters each time the first method or the second method is invoked, wherein the method counters correspond to the first method and the second method [and] unwinding a stack to determine whether the first method or the second method is active based on whether a corresponding method counter has exceeded a count threshold” as recited by claim 1. (emphasis provided). Accordingly, Applicants respectfully request that the rejection of claim 1 and its dependent claims be withdrawn.

With regard to independent claims 9 and 17, they contain limitations similar to those of claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 9 and 17 and their dependent claims.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

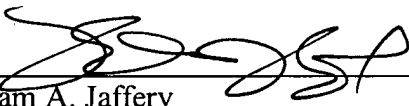
### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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